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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,693	12/20/2006	Frank Mossner	02316.2382USWO	3741
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MINNEAPOLIS, MN 55402-0903				
EXAMINER				
HARVEY, JAMES R				
ART UNIT		PAPER NUMBER		
2833				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,693

**Applicant(s)**

MOSSNER ET AL.

**Examiner**

James Harvey

**Art Unit**

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 4-28-06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***DETAILED ACTION***

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tab and trough of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

\* The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

#### *Claim Rejections - 35 USC § 103*

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (instant page 1) in view of Fonteneau et al 6225557.

The admitted prior art substantially discloses the claimed invention except for the routing element, lead-sealing hooks and installation instructions. Fonteneau et al discloses routing elements 5-8 and lead-sealing hooks 11. It would have been obvious to provide the admitted prior art with routing elements and lead-sealing hooks, as taught by Fonteneau et al, to facilitate cable routing and secure the cover to the lower part. It would have been obvious to provide instructions on the cover since this is widely done in any number of applications.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being patentable over the admitted prior art in view of Fonteneau et al as applied to claim 1 above, and further in view of Kihira et al 6773296.

The admitted prior art as modified by Fonteneau et al substantially discloses the claimed invention except for a removable routing element, and two first and second openings. Kihira et al discloses removable routing element 20, and openings for two cables. It would have been obvious to provide the admitted prior art with a removable routing element, and to provide openings for two cables, as taught by Kihira et al, to allow routing elements replacement, and to provide connections with more cables.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Fonteneau et al as applied to claim 1 above, and further in view of Davis 5409400.

The admitted prior art as modified by Fonteneau et al substantially discloses the claimed invention except for shafts and corresponding attachment means. Davis discloses shafts at 50 and corresponding attachments means 72. It would have been obvious to provide the admitted prior art with shafts and corresponding attachment means, as taught by Davis, to secure the cover to the lower part.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Fonteneau et al as applied to claim 1 above, and further in view of Kawai et al 4964845.

The admitted prior art as modified by Fonteneau et al substantially discloses the claimed invention except for a seal between the lower part and the cover. Kawai et al discloses seal 11,21, and to provide the admitted prior art with a seal thus would have been obvious, to better prevent ingress of foreign material.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Fonteneau et al and Kawai et al as applied to claim 9 above, and further in view of Knack, Jr. 4272148.

The admitted prior art as modified by Fonteneau et al and Kawai et al substantially discloses the claimed invention except for holes for attachment screws. Knack, Jr. discloses holes 13,23 for attachment screws 60, and to provide the admitted prior art with same thus would have been obvious, to better secure the cover to the lower part.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Fonteneau et al as applied to claim 1 above, and further in view of Huguenet 5975956.

The admitted prior art as modified by Fonteneau et al substantially discloses the claimed subject matter except for a latching troughs and corresponding tabs. Huguenet discloses latching tabs 35 which engage troughs (ledges), and to provide the admitted prior art with latching tabs and troughs thus would have been obvious, to hold the flaps in a closed position.

***Allowable Subject Matter***

Claims 7, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record, particularly the applied art, discloses or teaches a routing element having springs; nor the cover having a lid, the lid having a seal; nor the shafts each having a depression which engages a latching tab.

***Conclusion***

- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Applicant is encouraged to send correspondence through the USPTO fax number 571-273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James Harvey/  
James Harvey  
Primary Examiner